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# THE PRETENSIONS EXPOSED

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MESSRS. LANG, BURNET & CO.,

— TO BE —

“The Presbyterian Church of Canada in connexion with the  
Church of Scotland.”

— BY —

REV. ROBERT CAMPBELL, M. A.,

*Minister of the St. Gabriel Church, Montreal.*



MONTREAL : W. DRYSDALE & CO. TORONTO : HART AND RAWLINSON.

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*With the Author's Compliments*  
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“Is it worth the powder and shot?” asked a friend, whom I had informed of my intention to prepare and issue a small tract on the above subject. The question was put in kindness, and was well meant. It intimated that in the estimation of the speaker, those about whom I proposed to write, did not deserve to have their pretensions gravely discussed, as an exposure of them would only confer a prominence upon them that otherwise they could not hope to attain. This view of the situation has not, however, deterred me from my purpose. If the pretensions to be laid bare, were as well understood in all quarters, as they are in Presbyterian circles in Canada, where they are only laughed at, I should have been disposed to take my friend’s advice, and leave them severely alone. But whatever else may be said of this small and curious fraternity, they cannot fairly be described as lacking in either boldness or industry. “What man dare,” *they* dare. Their apparent policy is to weary the public into conceding to them the claim, which they make,—to be the continuation of “the Synod of the Presbyterian Church of Canada, in connexion with the Church of Scotland,” which it is well known, was merged into the “Presbyterian Church in Canada,” on the 16th of June, 1875,—by reiterating that claim. I should be paying a poor compliment to the understandings of the one or two really clever men among them, were I even to suggest that they have any faith in their own pretensions. Some of them, who have no perception

of order, and who make their own sweet will a law unto them, have probably worked themselves into a sincere belief that they are, what they call themselves, "the Church of Scotland in Canada." In these remarks, I am to be understood as referring only to the handful of Ministers and Elders who have taken the lead in putting forth the pretensions under consideration. Of the rest, and of the small number of persons in Ontario and Quebec who have chosen to take sides with them, I have not a disrespectful word to say. I am only sorry that they should have taken counsel with the few, and with those who had done little to earn their confidence, rather than with the many, and with those who had been always previously looked up to as the trusted guides of the church. It is granted that among the adherents of the minority, on the question of Union, are to be found some of the warmest friends which the "Church of Scotland in Canada" ever had. What is to be regretted is, that they were not prepared, in a generous, christian way, to say, with the rest of their brethren, to those who had been their former rivals, let bygones be bygones. Still cherishing the hard feelings of a previous generation, they remind one of Dean Ramsay's story of the dying Highlander who charged his son to avenge an insult that somebody had offered to the family; "yes, Tonald, I forgive him, but mind, when I am gone, you must make sure to be even with him." It is by fanning the dying embers of ill feeling, in a few districts in which it formerly ran high, that the anti-unionists have succeeded in detaching any persons at all from the United Church, and it is well that this fact should be known far and near.

As they won a few adherents by ministering to the humor of "the winter of their discontent," so they think by getting themselves named in newspapers, and talked of at home and abroad, as "the Church of Scotland in Canada," thus familiarizing the public with the designation, gradually to grow into possession of the title, with all the prestige that belongs to it. I have heard even some of those who should know better, speak of the anti-unionists as "the Church of Scotland in Canada"; but it is to be deprecated that this should be done, though it were only in jest; for "use and wont" is a strange plant and of insidious growth. It was for this reason that I felt called upon the very first time I saw a newspaper giving the minority of the Presbyterian Church of Canada in connexion with the Church of Scotland that dissented from the Union, the title that

of right belonged only to the Church as a whole, constitutionally acting, to protest publicly against the Press taking part with them, by giving them the name of "the Church of Scotland in Canada." They still have that designation, however, accorded to them in newspapers and almanacs, for which perhaps small blame is to be attached to the members of the Press or the outside public, who are not to be supposed so familiar with the constitutional practices and rights of Presbyterian Churches, as to be able to determine between the contending parties. The usual course is for the public to acknowledge the title which any religious body in the country chooses to give itself. Courtesy demands this practice, and in general it is quite unobjectionable. In the present case, however, there are serious objections to this course, as I will show in the following pages; and if, in the face of the full information given to the press and the public, this once for all, the title, "Presbyterian Church of Canada in connexion with the Church of Scotland," continue to be given to the remnant of that church, that rebelled against its constitutional decisions, "out of courtesy," it will be a *want of courtesy* to that larger body that can claim constitutionally to be the *true* "Presbyterian Church of Canada in connexion with the Church of Scotland."

Another of the means resorted to for manufacturing public opinion has been the instituting of sham law suits, by way of pretending to claim the *property* as well as the *name* of the church already referred to. I call them *sham* law suits, because I cannot believe that men of common intelligence could be so stupid as to fancy there was the slightest chance of winning them. Yet it was necessary to do something to satisfy the decent people throughout the country whom the anti-union leaders had deluded into believing in their pretensions; and a great show of confidence, that they should gain possession of all the property of the church, was made. But Acts of Parliament, carefully drawn, are not so easily overturned; and by this time the judgments uniformly given against them, some half a dozen in number, ought to have convinced the leaders that they have chosen a costly means of gaining prominence in the country—futile law suits being an expensive pastime to indulge in. These judgments ought also to have satisfied the people who were persuaded into a belief that the property of the church would certainly be adjudged to the minority, that they were grossly



deceived ; and they should now take heart of grace, and abandon a cause that can only entail upon them hopeless burdens and disappointments. As an agency for propping up a failing cause, and gaining for the anti-unionists *eclat* in the country, the law has proved a miserable failure.

The most recent action taken by them has, however, cast all their former doings into the shade. I refer to their *deposition* of Rev. Dr. Snodgrass, and with him, it is to be presumed, all his brethren who followed him into the United Church. For great as their shamelessness and folly would appear in stripping the whole of us of our gowns and bands at one fell swoop, there would be still greater absurdity and evil intention in singling out Dr. Snodgrass alone, who at the time was *presentee* to a parish in Scotland, because there would be a tincture of malicious rascality in it ; the design in such a case manifestly, being to block his way by exciting suspicions among the simple minded parishioners whose right it was to call him—a class who are known to have a wholesome horror of any taint in a man's reputation, the word *deposition* calling up to the Scottish imagination, all conceivable enormities. The Presbytery of Langholm characterized the conduct of those who had ventured to asperse the good name of Dr. Snodgrass with sensible severity ; but had they known all the facts of the case, they would have been still more pronounced in their condemnation of the contemptible trick, the atrociousness of which was only equalled by its impotency. Nine Ministers, which is the number of the Anti-unionists who had a place on the roll of the Synod at the date of union, excommunicating one hundred and eight who have remained in the United Church ! I do not intend to descend to personalities, but it is only fair to say that when the antecedents and capacity of these men, as a whole, and the following which they have been able to secure in the country, are taken into account, the preposterousness of their claiming to be the true representatives of the Church of Scotland in Canada, cannot but provoke mirth ! The venerable parent church might well say " Save me from my friends," if these were her only friends in these provinces. If they were set out in a row for her inspection, she would have little cause to feel flattered by those who give themselves forth as her sole champions among us. The bitterest enemy the Church of Scotland has, could not desire any worse thing to befall her than that she should be

judged of by this sample that claims to be alone true to her in these parts. So that, if these men loved the mother church with anything like the devotion they pretend to, they would blush for shame to think that her strength and worth should be estimated by the show they are able to make on her behalf, and would hide themselves from public view, instead of parading their weakness before the world. The three tailors of Tooley Street arrogating to themselves the right to speak in the name of the people of England, were not a circumstance to the anti-unionists, who give themselves out to be the Church of Scotland in Canada! These words may seem harsh to those who are unacquainted with the facts involved, but they are sober truth, and the time appears to me to have come when they should be uttered. "I have spoken of them as they are; nothing extenuated, nor set down aught in malice," because the credit of the parent church is involved, for whose good name I have inherited from my fathers a chivalrous regard.

In the long run, our anti-unionist friends will find that their idea as to the softness and stupidity of the public, does a great injustice to the latter. At the outset, others are disposed to accept a man's account of himself; but they are not long in finding it out, if he has sought to impose upon them. The attempt to mislead others is founded in a contempt for their understandings, as if they were unable to discern the difference between pretension and genuineness, between audacity and courage; but though dishonest artifice may succeed for a short time, it always comes to be seen through sooner or later, and all the temporary advantage that "stealing a march" confers upon those who resort to it, is far more than counterbalanced by the recoil of scorn that overwhelms them when the truth comes to be known. It is therefore safe to conclude that all the means employed by the remnant of "the Presbyterian Church of Canada in connexion with the Church of Scotland" to manufacture public opinion in their favour, will speedily come to naught.

I have already said that while usually no objection lies against giving to religious communities the titles by which they designate themselves, there are important reasons why this practice should be departed from in the present case—some ecclesiastical, some civil, and some historical. It would be doing violence to ecclesiastical regularity, to the Legislatures and Courts of Canada, and to the past history of Presbyterianism in the Dominion, to concede to

Messrs. Lang, Burnet & Co., that they are the right and lawful continuation of "the Presbyterian Church of Canada in connexion with the Church of Scotland."

## I.

"The Presbyterian Church in Canada" *now* is legally and constitutionally the "Presbyterian Church of Canada in connexion with the Church of Scotland" that *was*, before the union which took place, June 15th, 1875. The name alone is changed. No one doubts the right or power of a religious denomination to alter its title, provided it effects the change in accordance with its own principles and rules. "The Presbyterian Church of Canada in connexion with the Church of Scotland" gave itself that designation, at the beginning of its history, and got itself recognized under that name in the legislation of the country; but if it was competent to give itself a name at the first, it was competent also to change its name, whenever it should see cause to do so; provided this was done regularly, and provided it could get itself recognized by the legislatures of the land as entitled to retain its civil rights under the altered designation. As a matter of fact, the propriety of changing the name of that church was seriously proposed and discussed in 1844, both by those that separated from it and by those that remained in it; and if it was competent to propose it, and to vote on it, it was also competent to carry it into effect, had the majority been convinced of the desirableness of doing so. On the 14th June, 1875, the Synod resolved by an overwhelming majority to change its name. (Minutes 1875, p. 15.) The Legislatures of Ontario (38 Vic. cap. LXXV) and of Quebec (38 Vic. cap. LXII) sanctioned this change.

As the change in its title was altered by competent authority, so an addition was made to its numbers on the 15th June aforesaid; and this too it was within its power to do, provided it went through the proper constitutional procedure in doing it. The minutes of the Synod almost every year previously bear witness to the fact that it felt itself possessed of the power to incorporate clergymen of other churches into itself, whenever it satisfied itself of their character and qualifications; in doing which it did not necessarily remit them to an examining committee, as Mr. Robert Burnet asserted in

the union debate (Montreal Weekly Herald, June 19, 1875.) At least one distinguished clergyman was admitted by acclamation immediately he was proposed (Synod minutes, 1865, p. 20.) But what is still more to the point is the fact that the Synod agreed in 1832 to admit into itself certain United Presbyterian Ministers, with their congregations, *in a body*, (Minutes, 1832, p. 32) which resolution took effect before the meeting of Synod in 1834, (Roll, minutes, 1834, pp. 63, 64). What they did once they could do again, and this they resolved to do (Minutes, 1875, p. 35), and afterwards did (Minutes of First General Assembly, 1875, p. 6.) (Note. In the same manner it may be shown that each of the four churches, that were parties to the union, annexed the other three, and thus the united church becomes the rightful continuator of the history of all four.) It may serve a good purpose once for all to quote the Synod's Minute resolving on the incorporation already referred to. It may be premised that the necessary Parliamentary Legislation, enabling the church under its new designation and with the addition proposed to be made to its constituency, to continue in the enjoyment of all its property, had already been secured. The Synod's resolution was as follows:—

The Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, at its meeting in the month of November last year, having, after taking the necessary constitutional means for ascertaining the mind of the Church on the subject, resolved to unite with the Canada Presbyterian Church, the Presbyterian Church of the Lower Provinces and the Presbyterian Church of the Maritime Provinces in connection with the Church of Scotland, on the ground of the articles of Union agreed upon by the Supreme Courts of the negotiating Churches; and having, by the help of God, completed all preliminary arrangements, does now—whilst recounting with fervent gratitude all the goodness and mercy vouchsafed to this Church in the past, humbly trusting that the Divine sanction will be given to the solemn and important step about to be taken, and earnestly praying that the Holy Spirit in all His quickening and sanctifying influences may descend largely on the United Church—**RESOLVE**, and hereby does record its resolution, to repair on the adjournment of the Court to-morrow morning to the Vic-

**TORIA HALL** (commonly known as the Victoria Skating Rink), the appointed place of meeting, for the purpose of consummating the Union with the aforesaid Churches, and of forming one General Assembly, to be designated and known as **The General Assembly of the Presbyterian Church in Canada**, and does at the same time declare that the United Church shall be considered *identical* with the Presbyterian Church of Canada in connexion with the Church of Scotland, and shall possess the same authority, rights, privileges and benefits to which this Church is now entitled, excepting such as have been reserved by Acts of Parliament. And further, with the view of ratifying the Act of Union, the Synod does empower its Moderator to sign in its name the Preamble and Basis of Union, and also the Resolutions adopted in connexion therewith.

The two authorities, then, having power in the premises, 1st, the Synod itself, whose province it was to regulate its own internal economy, after having submitted the matter in terms of its constitution for the judgment of Presbyteries, (Minutes, 1874, p. 42) and having obtained the sanction not only of the majority of the Presbyteries (Minutes, adjourned meeting, 1874, p. 13) which the constitution demanded, but also of Kirk-Sessions and Congregations, as an extra-constitutional precaution; (Minutes adjourned meeting, 1874, p. 13) and 2nd, the law of the land, as exercising jurisdiction over the domain of property, have united in declaring that "the Presbyterian Church in Canada" is "identical with the Presbyterian Church of Canada in connexion with the Church of Scotland." If "the Presbyterian Church in Canada" is in the true line of succession, it is manifest that Lang, Burnet & Co., cannot rightly claim that they are in it.

But they were in it after the Union, although by their own action they have forfeited the privilege of remaining in it. The fundamental principle of Presbyterian Government is that the minority must yield to the majority; and the minority is as much bound by what is done by the majority as the majority itself is. The minority of nine members of Synod, therefore, who declined to accompany their brethren to the Victoria Skating Rink on the 15th June, 1875, were constitutionally included in the proceedings that took place there, as really as those who were present. It was done by the Synod, as a Synod, and they were still members of Synod, and con-

sequently became incorporated in the United Church, and were so regarded when the first rolls of Presbyteries were made up after Union. It was not till their names were struck off those rolls, either at their own request or by the action of Presbyteries, that they ceased to belong to the United Church. This is the conclusion to which any one must come, who understands the constitution of the Presbyterian Church—when the matter is viewed from the ecclesiastical stand-point. And this view of the question is borne out by the Acts of Parliament. These acts regarded all the members of Presbyteries, of the churches of Ontario and Quebec, that united on the 15th June, as in the United Church. No distinction is made between the Ministers and Congregations: it was presumed in the Acts of Parliament that they were one; and these acts contemplated the congregations at least as in the Union, otherwise there would have been no occasion to vote themselves out, which they were necessitated to do, if they did not wish to be counted as belonging to it. And, as a matter of fact, the Ministers of the minority did acknowledge that this was the real situation of affairs, by conforming to the Acts of Parliament and holding meetings of their congregations to induce them to vote themselves out. It is only since they did vote themselves out that they have ceased to be bound, both ecclesiastically and civilly, by the acts of the majority in consummating the Union. So that they were not constitutionally left behind at all, in St. Paul's Church, Montreal, when the Synod adjourned to meet in the Skating Rink.

The Synod adjourned regularly from St. Paul's Church, which it had an unquestioned inherent right to do, and met afterwards in the Skating Rink, and was there constituted. No opposition was offered by the minority to the adjournment on the 15th June, 1875. On the previous day they had protested against what was proposed to be done in the Victoria Hall after the adjournment to that place, but they did not raise a voice against the adjournment itself; so that they were actually consenting parties to it when it took effect. They of course knew better than to call in question the right of the Synod to adjourn at any time, and meet in any place within the limits of its jurisdiction. There had been an adjournment of the Synod the previous year from Ottawa to Toronto, (Minutes, 1874, p. 51) and at an earlier date it had adjourned from Kingston to Montreal (Minutes, Kingston meeting, 1844, p. 26). If the Synod

had the power to adjourn from one city to another, it surely had the power to adjourn from one place to another place in the same city. Yet if the minority wanted to have even a show of reason for their claim, to remain behind and constitute in St. Paul's Church, as "the Presbyterian Church of Canada in connexion with the Church of Scotland," they should have opposed the adjournment when it actually took place. Not having done so, they are to be held ecclesiastically as assenting to it, and are the more firmly bound by it in consequence.

A like remark may be made as to the bad generalship displayed by them in taking their protest against the resolution to consummate the Union in the Skating Rink, the day before action was taken on that resolution. They did not avail themselves of all the vantage-ground within their reach, when they failed to accompany their brethren to Victoria Hall, and there protest against the act of Union, at the moment it was about to be completed. Protesting against a resolution to do a thing at a future time, since that resolution might never be carried into effect was, to say the least of it, a very much weaker course than protesting against the act of carrying out the resolution. If a protest was to be in place at all, then, it should have been offered at a stage at which no opposition was made to the Union, namely, after the Synod was reconstituted in the Skating Rink, subsequent to the adjournment from St. Paul's Church.

But though the protest of the minority had been presented at the proper time, the question remains to be considered what force was there in it. Here it is:—

"We, Ministers and Elders, members of this Synod, heartily attached to the Church, hereby dissent from the resolution of this Court to repair to the Victoria Hall for the purpose of consummating the proposed Union with the other Presbyterian Bodies and thereby to form the General Assembly of the Presbyterian Church in Canada. We further protest against the declaration that the United Church shall be considered identical with the Presbyterian Church of Canada in connection with the Church of Scotland, inasmuch as this Synod has no power *per saltum* to declare other Bodies in addition to itself to be possessed of the rights, privileges and benefits to which this Church

is now entitled. We declare, therefore, our continued attachment to the Presbyterian Church of Canada in connexion with the Church of Scotland and do hereby enter our protest against the empowering of the present Moderator to sign in its name the Preamble and Basis of Union and the Resolutions connected therewith. And, further, we, Ministers and Elders of this Synod, holding views opposed to Union on the present basis, do protest against the carrying out of the contemplated arrangements for the consummation of the proposed Union and declare that, if consummated, we will claim and continue to be the Presbyterian Church of Canada in connexion with the Church of Scotland."

(Signed)

ROBERT DOBIE,  
WM. SIMPSON,  
ROBERT BURNET,  
DAV. WATSON,  
J. S. MULLAN,  
WM. McMILLAN,  
THOMAS McPHERSON,  
RODERICK McCRIMMON,  
JOHN DAVIDSON,  
JOHN MACDONALD.

The right of dissent and protest is a valuable one in all assemblies in which government by majorities is carried out. But it would be a new principle that a dissent against a resolution of a meeting should invalidate the proceedings of that meeting. What a protest in such a case secures is only the easing of the conscience of the individual offering it, and the absolving of him from any legal consequences that might otherwise fall upon him personally by the action of the majority, if he did not thus protect himself. It is an unheard of thing, however, in jurisprudence, that a protest lodged by a minority should be held to override the resolution of a majority; that is, so long as the majority only do such things as constitutionally lie within their power. The competency of the Synod to pass the resolution anent the Union, and afterwards to carry it into effect, has been already discussed and demonstrated, and there is no need to reiterate it at this point.

The minority in their formal protest, quoted above, and in their speeches in the debate that went before (Weekly Globe, June 18, 1875) paraded their intention of constituting in the name of "the



Presbyterian Church of Canada in connexion with the Church of Scotland," when their brethren should formally enter the Union, as if the frequent previous announcement of their purpose was to give them the power to do so. On the principle that their saying that they meant to do so and so, would give them the right of afterwards doing it, I fancy there are few in the world whose situation in life would not be different from what it is. "If wishes were horses, beggars would ride." Alas, that great sounding words often fall short! that pretensions cannot be magically transmuted into realities! There is no limit to one's right of protesting and making speeches, throughout the British realms, in which, as Matthew Arnold shows, "doing as one likes" is greatly protected, so long as it pleases himself and does other people no harm. A man may protest against being hanged, and make a speech showing that the judge and jury ought not to have condemned him, although the evidence was conclusive against him, but would these efforts of his stay the proceedings of the executioner? For that matter, it lies within any one's power to protest against the shining of the sun, but what though he does? Will it not go on and shine all the same?

The attempt has been made to claim that the position of the nine members of Synod who remained behind in St. Paul's Church was identical with that of those members of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, who continued to sit in St. Andrew's Church, Kingston, on the 10th July, 1844, after the separation of the brethren who sympathized with the Free Church of Scotland. But there is really no resemblance except in the fact that they remained in the Church in which the previous sessions of the Synod had taken place, which is a resemblance of no value, since the regularity or validity of the Synod's meeting never depended upon the building in which it was held. When the Free Church sympathizers withdrew from the Synod in 1844, they did not pretend to depart as a Synod, they did not claim that the Synod went away from St. Andrew's Church, Kingston, when they went away. The gentlemen who had been Moderator and Clerk did not leave the building in their capacity as Moderator and Clerk, but previously demitted their offices; and their demission being accepted, their places were filled by others prior to their act of withdrawal. They were only a minority, and

as such they left the majority, which, according to the constitution of Presbyterian Courts, alone could fairly claim to be the Synod in the event of separation, in unquestioned possession of all the rights and powers that had previously pertained to the entire Church. In the present case everything is reversed. The Synod adjourned from St. Paul's Church to meet in Victoria Hall,—with it went its Moderator and Clerk, and more than nine-tenths of the members, and only nine members remained behind, not enough to form a quorum of Synod, as I will more fully show further on. The position of the minority of the Synod in 1875, was constitutionally the same as that of the minority in 1844; but here the resemblance ceases. The minority of 1844, both as to its *personnel* and its members, had a far better claim to be the true Synod than the minority in 1875 has, but it never urged that claim, because its leaders were men at least above doing things that were absurd. The Anti-unionists stand condemned out of their own mouths. They cannot find words hard enough to apply to the minority that separated from the Synod in 1844, blaming them for not submitting to the will of the majority; and yet they themselves, although only about one-fourth of the number, and certainly not more respectable, have gone and done the same thing, rebelling against the constitutional procedure of the Church. If the Free Church sympathizers were so wicked in what they did in 1844, as the Anti-unionists say they were, one fails to see why the latter ought not to be counted in with those whom they fiercely denounce; only their wickedness ought to be deemed greater from the fact that their number, relative to the Synod from which they seceded, is so much smaller.

The Anti-unionists also claim that their position is parallel to that occupied by the Established Church in Scotland, after the disruption in 1843. Here again, however, the only point of resemblance lies in the fact that they sat still in St. Paul's Church, as the remaining Members of the Assembly of the Church of Scotland stayed in St. Andrew's Church, Edinburgh, when the Free Church portion of it moved out and away to Tanfield Hall. But the Free Church leaders did not wait till the Assembly was constituted, and therefore they did not pretend to be the Assembly that was summoned to meet in St. Andrew's Church. They avowed that they did not wish to be considered the Assembly that was

expected to hold its Sessions there. Consequently they did not adjourn from one place to another; they went as so many individuals to Tanfield Hall, not as an organized body. Those who remained in these circumstances, even though they had been a minority of the members, provided there was a sufficient number to form a quorum, continued in possession of all the rights that pertained to the Establishment, and of all the powers of a General Assembly of the Church of Scotland. It would have been different, however, had the Assembly been constituted, the roll been made up, and a new Moderator been elected, and had a majority then resolved to adjourn to Tanfield Hall. Constitutionally, in such an event, the Free Church could have claimed to be the Church of Scotland, so far as ecclesiastical action could have made it so. The majority of the Synod in 1875, however, adjourned to meet in the Skating Rink, and did not leave behind a sufficient minority to form a quorum, even though the course of the majority had been irregular.

The point just raised is one of some importance in connexion with the whole question. Even though it could be shown that the majority did something to extinguish their right to be counted "the Presbyterian Church of Canada in connexion with the Church of Scotland," the minority cannot make good a claim to fall into that right. If the Synod was not merged into the General Assembly of "the Presbyterian Church in Canada," it must be altogether lost, like those rivers that suddenly disappear beneath the ground, or like the *ten tribes* of Israel. Of the 10 members of Synod who signed the "dissent and protest," one thought better of it and wisely withdrew in time from the hopeless antagonism into which he found the others disposed to plunge, so that there remained only nine, six ministers and three elders, in St. Paul's Church to pretend to continue the existence of the Synod in that place. But the constitution of the Synod provides (Minutes 1868, p. 49,) "To constitute a quorum of the Synod, there must be present not fewer than fifteen members, of whom at least eight must be ministers." And yet in the face of this fundamental constitutional provision, the nine men aforesaid proceeded gravely to constitute by appointing a Moderator and a Clerk, pretending at the same time that they were the Synod, whose first principles they were violating. Wherever the Synod is to be looked for, therefore, it cannot be

found in a body that has commenced its history, in defiance of the constitution which they claim to perpetuate. For, if the first meeting was violated by this serious illegality, any subsequent meeting growing out of it, and adjourned from it, must partake in the illegality, even though eight ministers and seven elders regularly representing congregations may have been present at a later date.

While on the subject of the irregularities of the minority, it may be as well here to speak of their subsequent doings, so far as the public have been informed of their proceedings. Except the accounts of their actions as a Synod furnished by them to the press, they have taken good care not to let the outside world know in detail what they have been doing. But even the little insight which is thus afforded into their proceedings, is sufficient to show that they have utterly disregarded the laws which regulated the Synod, whose only representative they pretend to be. At their second meeting, the names of several Clergymen who had no charges, and of elders who were not representatives of kirk sessions, were given forth to the public as members of their Synod. And worse than this, the name of a minister who left the bounds of his own Presbytery in the Maritime Provinces in disgrace, and who sought admission in vain into the Synod, previous to the Union, was published as received by them, in spite of the absence of a Presbyterial Certificate; in defiance of the corner-stone of the constitution of "the Presbyterian Church of Canada in connexion with the Church of Scotland," whose charter, as laid down in the recommendation of the General Assembly at the time the Synod was first erected in 1832, was, that no one should be received as a Minister, except on his producing "a testimonial of his good character from the Presbytery or Presbyteries within whose bounds he has resided."

One of the specific charges brought against the majority of the Synod is that by entering the Union they have abandoned the doctrinal basis on which the Synod rested, and in consequence have forfeited the right to be considered as any longer representing "the Presbyterian Church of Canada in connexion with the Church of Scotland," even though every step taken besides was regular and constitutional. The objection to the union urged by Rev. David Watson, for whom I, in common with all those that entered the Union, cherish unfeigned respect and affection, our only regret

being that his conscientious difficulties should have ended in his having to keep company with those who are his present associates,—had reference to this point chiefly, (Minutes 1875, p. 30.) It may be replied with emphasis that there is in the Basis of Union, or in the Preamble, no departure from the doctrinal standards previously adhered to by the Synod. The second article contains a conscience clause, which is supposed to refer to the XXIIrd Chapter of the Confession of Faith; but so long as the Confession itself remains in its integrity, as the subordinate standard of the United Church, it is unfair to say that there has been a change in the doctrinal status of the Church, as the result of the Union. It amounts only to a change of formula, signifying the relations in which the Church stands to the Confession of Faith; and this change had received the sanction of the Presbyteries, in terms of the Constitution of the Church, before it went into effect. The Synod had formerly exercised the inherent power it possessed of modifying its formula, by entirely recasting the questions to be put to Candidates for ordination, (Minutes 1872, p. 45). If necessary, I should be prepared to go further, however, and contend that it was quite competent for the Synod to modify its standards, or entirely remould them, had it seen cause to do so; provided it took the precaution of obtaining for such changes as it made, the approval of the Church, expressed through the Presbyteries. This objection, like all the others raised, may therefore be summarily dismissed.

But supposing, for argument's sake, that by going into the Union, the majority of the Synod departed from the doctrinal position formerly maintained by "the Presbyterian Church of Canada in connexion with the Church of Scotland," and thus forfeited all title to be regarded as representing that Church; and supposing that the minority, in spite of their small number, were able to form a legal Synod, the question remains to be considered at what particular point the former ceased to be entitled to be counted the legitimate Synod, and when the latter fell heir to all the powers and rights of that body. If it was the moment at which Union took place that the majority ceased to be properly the Presbyterian Church of Canada in connexion with the Church of Scotland,—if up to that moment, they were in virtue of their adjournment from St. Paul's Church to the Skating Rink, the Synod,—then the mi-

nority can be proved to have been in rebellion against the Synod—to have seceded from it, contumaciously setting themselves up as a rival to it. We read in the *Montreal Witness* of June 17th, 1875 :—

After the majority had left St. Paul's Church, the minority proceeded to reorganize.

Rev. Mr. Burnet, in moving the appointment of a Moderator, would have liked that the Rev. David Watson, of Thorah, could have seen his way to accept the nomination. That not being the case, he would beg to move that the Rev. Mr. Dobie, of Milton, whose conduct in the chair on a former occasion received the commendation of all, should fill the office. He was sure that he would discharge with ability and zeal, the onerous and trying duties to which he now desired to call him. He had, therefore, much satisfaction in moving that Mr. Dobie be our present Moderator.

Rev. Mr. Dobie having taken the chair, offered up solemn prayer for guidance in the trying circumstances of the Church.

Rev. Mr. Burnet was elected Clerk.

It was some time after the Synod was constituted in the Victoria Hall, before the other Presbyterian Church arrived ; and, after all were in their places, a good many preliminaries had to be gone through with, previous to the signing of the Articles of Union by the several Moderators. In this interval and before the roll was called, Rev. J. S. Mullan, to whom I have referred as having at the last hour withdrawn from the Anti-unionists' counsels, arrived at the Skating Rink, after having seen the minority organized by the appointment of a so-called Moderator and a Clerk. That is to say, Mr. Mullan, after being present at the opening chapter of the history of the minority, as the "Presbyterian Church of Canada in connexion with the Church of Scotland," was still in good time to see what, according to the Anti-unionists' own showing, was only the closing chapter of the Synod's history, as represented by the majority, the signing of the basis of Union by the Moderator, Dr. Snodgrass. It is manifest, then, that the zeal of the minority outran their prudence—their organization being premature, either was null and void, or shows clearly that they seceded from the Synod. In short, they did not organize at all, after the time when,

according to my premises, they ought to have done so, in order with any show of propriety to pretend to continue the existence of the Synod,—namely, immediately after the consummation of the Union. Or, if their organization, prior to the signing of the Articles by the Moderator, is to be admitted to be what they claim, then it will follow that there could be two Synods forming the Supreme Court of the same Church, at the same moment, which would be as difficult of belief as the historical dilemma of the Church of Rome,—two infallible Popes at the same time.

If again, the majority ceased to represent the "Church of Scotland" the instant they passed the resolution to consummate the Union, on this supposition it is equally clear that the Anti-unionists were too *slow* in their movements: they ought to have constituted themselves the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland, on the 14th June, 1875, instead of waiting till the 15th. The minutes of the 15th show that they still took their share in the ordinary business, which the majority assumed they had a right to attend to, after passing the resolution to complete the Union, and so, by allowing this awkward interregnum to pass unimproved, they lost a link in the chain that was to unite them to the past, thus destroying their right of succession.

A sentence or two more on the matter of protests. There were only two points at which a dissent from Union proposals and a protest against them, could be made with any show of propriety,—these points were, when negotiations on the subject were originally opened, and when these negotiations closed in the accomplishment of the project of union. I have already noticed the fact that no barrier was attempted to be cast in the way of Union at the last moment, not apparently because there was a want of will on the part of the Anti-unionists to hinder and delay it as long as possible, but from a positive lack of generalship, a failure to perceive how to turn matters most to their own advantage. On the other hand, at the time the question of Union was introduced, there was not a voice raised against the appointment of a Committee to enter upon the negotiations with the other Presbyterian Churches, (Minutes 1870, pp. 31-3). There seems to have been nobody present at this stage of the Union question, whose self-esteem was hurt, or whose dignity was offended, so as to impel him to offer resistance

to a project of great national as well as religious importance; and for this Providence is to be thanked. The harmony that characterized the first step taken in the matter in question, shows that the principle of Union was admitted from the first, and therefore protests offered at a later stage against it were only untimely births; and most of the protests were of this character.

The fact just stated, is a sufficient answer to the 4th Reason of dissent, given in by Mr. Robert Burnet, on 8th June, 1874, (Minutes, 1874, p. 34), to the effect, that the Synod proceeded unconstitutionally in initiating the Union movement without an overture. Such a contention bears absurdity on the very face of it. The appointment of a Committee was the first step taken towards Union, and that was an act of administration, not of legislation, and so did not require an overture. The object of an overture is to present to the higher Court overtured, persuasive reasons for adopting some new principle or practice that the parties overturing, from below, have set their hearts on, but to which they feel there may possibly be opposition. No sensible man ever thought of addressing persuasion to a Court in favour of a course of action which that Court unanimously approves. Overtures are designed to overcome the *inertia* that resists any new proposal.

Besides, the Synod frequently took action on overtures not sent up from Presbyteries at all, but prepared in the Court by an individual, or by individuals belonging to the Court overtured, (Minutes, 1866, pp. 34-5), (Minutes, 1869, p. 32). Suggestions *offered on the spot*, were frequently sent down to Presbyteries for their consideration, whenever anything new in the way of legislation was proposed. Much more did it lie within the power of the Synod, as a whole, to resolve in favour of any new course of action, by its spontaneous motion, that is, without naming the source whence the suggestion came; which it did on other occasions as well as on that under consideration, (Minutes, 1852, p. 20; 1844, pp. 14, 15; 1855, pp. 22, 23). A unanimous resolution in favour of any new proposal, obviates the necessity of that proposal's being thrown into the shape of an overture, beginning with "Whereas," setting forth the premises, and the conclusion to which the overturist would bring the body overtured. The Synod overturing *itself*, in favour of an action on which no two opinions were entertained, would have been *red-tapism* with a vengeance. I know the objection that



will be raised to this argument: that the formality of "overturing" is a safeguard against the Court's being bothered with foolish resolutions sprung upon it; as also against its being surprised into hasty legislation. But one fails to see that so far as framing laws is concerned, a resolution emanating from the Court, as a whole, should be less favourable to cautious legislation than an overture, prepared *in* the Court, by perhaps only a single member, and afterwards submitted for the judgment of the Court. The resolution of the Synod to appoint a Committee on Union, in 1870, was treated, however, as an overture, as soon as it began in its results to look towards practical action; for no proposal of the Union Committee was carried into effect until it had been previously sent down for the consideration of Presbyteries, so that the principle of consulting the Church, involved in an overture, was observed. The resolution of the Synod of 1870, against which Mr. Robert Burnet reclaims, was virtually, if not in form, an overture. But there is a shorter answer still to his objection—the time for taking exception to the alleged irregularity was past before he discovered that the Synod had erred; and so he himself may be said to have made the error, if error there was. As Mr. Robert Burnet seems fond of discussing constitutional questions, I respectfully submit one for his consideration: Has a man a right to protest against something which he himself has done? The question now submitted can have only one answer, *no*. And this answer disposes of the protest uttered by fifteen members of Synod, (Minutes, Toronto meeting, 1874, p. 14), who sought to rid themselves of the dilemma into which their previous acquiescence in the Synod's action on Union placed them, by declaring that henceforth their participation in the debates on the subject was not to be construed into an admission of the right or competency of the Synod to entertain the proposals before it. They were too late in coming to this resolution, for it to have any effect; they had been doing for nearly four years the thing that they now said they had no constitutional right to do. The trouble was, that at the start they had not the presence among them of that counsellor who afterwards brought "sweetness and light" to their resolutions.

I notice a single dissent more, and then I hope I shall have done with the *dissenters*. On November 4th, 1874, Rev. Robert Burnet dissented against the Synod's constituting a new Roll, at

the adjourned meeting held at Toronto on that day, (Minutes adjourned meeting, 1874. p. 9); and in the following year, after the final vote was taken, he fell back upon this dissent, as his chief warrant for resisting the proposal to consummate the Union, (Minutes, 1875, p. 29.) I do not conceal the fact that I personally contended for the same view as Mr. Burnet did on that occasion, and voted with him in the minority. The situation was not without its perplexities, all arising from the fact that the word "adjournment" was used at the rising of the Synod at Ottawa, on the 11th June previous, (Minutes 1874, p. 51.) It should have been called a "special meeting," not an "adjourned" one, for it was called for a special purpose, and, as I will presently show, it would have served that purpose more fully, and with fewer constitutional difficulties, if the subordinate Church Courts had been left free to follow their usual course in the way of making up the Synod Roll, without doubt or misgiving as to what was the right thing to do. But as it was called an "adjourned" meeting, it seemed to me that it ought to have been opened with the same constituent members as it closed with, just as if it had been adjourned only from one day to the next. And this view of the matter was taken by Vice-Chancellor Proudfoot, of Ontario, in his judgment on the application for an injunction to prohibit the Synod's application for legislation, (*Toronto Globe*, Dec. 16, 1874). The adjournment of a General Assembly, composed of fixed delegates, involves no difficulties; the same members necessarily constitute the adjourned meeting as went to compose the original meeting. A Synod, however, being made up of persons that may be constantly varying, and these persons not chosen for it specially, but being members of it *ex-officio*, in virtue of their position as members of Presbyteries; and these latter being composed of all ministers placed over congregations, and of elders chosen at least once a year to represent the several kirk sessions within their bounds,—presents unquestionable difficulties, in the event of its adjournment. There can be no doubt, that in equity, every minister settled over a charge connected with the Synod in the interval between 11th June, 1874, and 4th November, in the same year, was entitled to a seat at the adjourned meeting which was held at the latter date, in terms of the General Provision of its Constitution: "The Synod is composed of the members of all the Presbyteries within its bounds," (Minutes 1868, p. 49). It is

equally clear that other elders than those who sat in the original Synod at Ottawa, from 2nd to 11th June, 1874, might be entitled to seats in the adjourned meeting at Toronto. The polity of the Church provided that the Roll of the Presbytery could be revised at any meeting, *pro re nata* or otherwise, during the year (Minutes, 1869, p. 40); and especially that the representative elder might resign, if he could not attend the meeting of Synod, and another be appointed by the Kirk-Session in his place, (Minutes, 1869, p. 40). In these circumstances, all the changes that were actually made in the Roll at the adjourned meeting, might have been effected consistently with the ordinary notion of an adjourned meeting. But these changes could only have been made after the Roll used at Ottawa was called. If there had been no precedent to interfere with the carrying out of this latter plan of action, matters might easily have been adjusted. But in September, 1844, the same procedure took place, as was followed in November, 1874, (Minutes, adjourned meeting, 1844, p. 3); and the question for the members in the latter case was, whether to follow the only precedent they had to go by, or to take the course that a consideration of what is ordinarily implied in an adjournment, would naturally have suggested. The decision was in favour of following precedent rather than speculation. (*Toronto Mail*, November 5, 1874.) It was well known that members of Synod, who were opposed to Union, were prepared to protest against whichever of the courses might be adopted; so that, so far as the probability of having their opposition, could influence the Synod in coming to a decision, there was little to choose between the two methods of procedure that were proposed. But whatever view may be taken of the technical regularity or irregularity of the Synod's finding from which Mr. Burnet dissented, no one denies that those who were admitted to compose that adjourned meeting at the start, might have been admitted immediately after the Roll was made up, before any other business was gone into; so that the Synod was virtually the same in either case. And what is more to the purpose, constituted regularly or irregularly, it was a better representation of the then existing sentiment in the Church, on the great question at issue before the Ecclesiastical Courts, than it would have been if it were made up of the Elders who were present at the meeting at Ottawa; because the Elders were more recently elected as representatives, and consequently might be sup-

posed to carry with them to the Synod the latest wishes of those whom they represented. In this aspect of the case,—that substantial expression was given to the views of the people,—Vice-Chancellor Proudfoot acquiesced, in the judgment already cited.

## II.

It is tantamount to a defiance of the Legislatures and Courts of Canada, for Messrs. Lang, Burnet & Company to persist in maintaining that they are “the Presbyterian Church of Canada in connexion with the Church of Scotland.” Having satisfied themselves that the several separate Presbyterian Churches were desirous of uniting, the Parliaments, having jurisdiction over the properties of the said Churches, granted the requisite facilities for the carrying of the proposed Union into effect. The Preambles of the several Bills begin by stating that “the Presbyterian Church of Canada in connexion with the Church of Scotland” had agreed to unite with the other Churches named. The minority offered what opposition they could to the passage of the Union Acts in Ontario and Quebec. They applied to Vice-Chancellor Proudfoot for an injunction, restraining the Moderator of the Synod, in 1874, from applying in the name of the Synod to Parliament for legislation, but he refused to grant it, (*Toronto Globe*, Dec. 16, 1874); so that the Legislatures were duly informed of their pretensions before the Acts were passed; yet they satisfied themselves that the majority were the true Church, and as such were entitled to have the property of the Church secured to them. They could scarcely have done anything else, if they considered it their function at all to legislate according to the wishes of the people; for rarely, I presume, is so much unanimity shewn by any class of citizens, when Acts of Parliament, so large a number, are under discussion. The number in this case opposing the measures when submitted to the Parliaments, was so small, that the several legislatures passed the Acts without much hesitation, after due enquiry.

In some of those law-suits, to which reference has already been made, the anti-Unionists put forward the plea that the adjourned meeting of Synod, held at Toronto in November, 1874, was illegally constituted; and, as it was this meeting which authorized the legislation that was subsequently procured of the several local Parlia-

ments, that consequently the legislation itself must also be illegal. But without pretending to very much knowledge of civil law, I should think the inference a *nonsequitur*. The Acts of Parliament are not made to depend for their force upon the regularity or irregularity of the method employed to obtain an expression of the wishes of the people interested. On this point, the members of the legislatures would probably not consider themselves competent to form an opinion. It would be equivalent to reviewing the action of the Ecclesiastical Courts, for them to enter upon the consideration of the constitutionality of the Roll of the adjourned meeting of Synod. All that they required was, to be satisfied that the petitions presented to them, craving for the passing of the Bills, truly represented the mind of the Presbyterians of Canada. The Preambles of the Acts declare that the legislatures were satisfied with the evidence laid before them, that the people, as a whole, really desired the changes sought, and these changes were accordingly granted. The Acts, therefore, stand on their own merits, and, it seems to me, do not fall to the ground, even though it should be successfully contended that the meeting of Synod which authorized the application to be made for them, was not a regular meeting. I put it thus, of course, only by way of argument, without admitting the irregularity supposed; for Vice-Chancellor Blake has settled once for all, the question of the constitutionality of the Synod's proceedings, as well as that of the right of the local legislatures to regulate the properties at issue, in his judgment on the Williamstown case, (*Cornwall Freeholder*, June 30, 1876).

It has also been contended, that some of the Bills obtained from the local legislatures, are null and void, because they affected to dispose of matters that of right belonged to the domain of the Federal Legislature, the House of Commons, at Ottawa. To this category, it is alleged, belong the Acts regulating the Temporalities Fund and the Ministers' Widows' and Orphans' Fund of "the Presbyterian Church of Canada in connexion with the Church of Scotland." The management of these funds is localized in the Province of Quebec, but as they deal with property in which parties in Ontario are equally interested with those in Quebec, the pretension is, that the Quebec Legislature had no more right to pass Bills affecting them than that of Ontario had: and in these circumstances, it should have been left to the House of Commons, it is said, to grant

the legislation demanded. I cannot pretend to know what the boundaries are betwixt the jurisdictions of the federal and local legislations respectively ; but the Churches, before completing the legislation they obtained, satisfied themselves, by consulting the most eminent Counsel in both Ontario and Quebec, that the Acts of the local legislatures were amply sufficient to secure the properties of the separate Churches to the United Church. But it does not require any profound legal lore to see the absurdity of the inference sought to be drawn from the fact, that the parties interested in the properties of the Temporalities' and Widows' Funds, live mostly in Ontario. Some of them live in Scotland, and some in the United States, as well ; is it, then, to be supposed, that legislation ought to have been sought in these countries, in order that the rights of those residing in them, should be made secure ? The place of administration of the funds determines the laws that must govern them.

There are a few ignorant persons who go farther, and contend that it was not in the power of any Canadian Legislature to make laws affecting the property of "the Presbyterian Church of Canada in connexion with the Church of Scotland," for the reason that this Church was part of the "Church of Scotland." It will save time to say at once, that it never was a part of the Church of Scotland, as that Church cannot constitutionally exist furth of Scotland. It was planted by the Church of Scotland, its first ministers were mainly licentiates of that Church, it always received help and encouragement from her, and it was strongly attached to her as the Parent Church, and sympathized with her in her varying fortunes ; and as originating in the Church of Scotland, as well as representing her doctrine and spirit, the Presbyterian Church of Canada in connexion with the Church of Scotland, received a status and consideration in the country ; but this was the limit of the relationship. It has always been understood in this sense, both by the Parent Church, (Synod Minutes, 1833, p. 42), and by the Church in Canada, (Minutes, 1844, pp. 15, 16). The Synod had always supreme control over its own affairs, both as to Ecclesiastical matters, and matters of property and finance. It seems necessary to assert this fact, because the anti-Unionists caused an opinion of the Hon. ex-Justice Badgley, of Montreal, to be published a day or two before the consummation of the Union, (*Montreal Gazette*, June 14, 1875), which seemed to imply that the Church in Canada had a more intimate connexion

with the Parent Church. Any opinion of so eminent a jurist is to be received with respect. But those who published that opinion were challenged in vain to shew the case to the public as it was submitted to him. Every one consequently regarded the opinion as entirely an *ex parte* one—very likely sound, considering the question as it was placed before him. He seemed to cast doubt upon the right of Canadian legislatures to meddle with property that came to the Church in virtue of its connexion with the Church of Scotland. But this question was forever set at rest by the Imperial Act, (16 Vict. Cap. XXI.), giving the Canadian Parliament power over the Clergy Reserves ; and by the Canadian Act secularizing the Reserves, (18 Vict. Cap. II.) Henceforth the matter in question was relegated to Canadian legislation, like any other kind of property. And so far as any opinion on the subject of the constitutionality of the Temporalties' and Widows' Funds' Acts has been given from the Bench, it has been to scout the pretensions of the dissenters. The late Hon. Justice Sanborn went even out of his way, when the judgment of the Court of Appeal, of Quebec, had only to do chiefly with a matter of form, to declare that the claim of the minority to be the rightful owners of these funds, was quite ridiculous. But in spite of the Parliaments and Courts of Canada, all of which have so far united in asserting that the "Presbyterian Church in Canada" is the true succession to "the Presbyterian Church of Canada in connexion with the Church of Scotland," this pertinacious little group persist in giving themselves forth to the world as the lawful owners of that name, with all the rights that belong to it. And yet these men who set at naught the Acts of the Legislatures, and pour contempt upon the decisions of the judges, are very loud in their protestations of respect for the Civil Power, claiming to be *par excellence* upholders of authority, as the representatives in Canada, of a Church in alliance with the State.

The fact is, that "the Presbyterian Church in Canada" has a good case for going before the Courts with, to ask that the anti-Unionists should be restrained from calling themselves by the name of the Presbyterian Church of Canada, in connexion with the Church of Scotland. It is altogether likely that such an injunction, if applied for, would be granted ; as there can be no question that the spirit of the Acts of Parliament providing for the Union,

if not the letter of them, has been contravened by the anti-Unionist minority. Certainly there is better legal grounds for the United Church to call them before the Civil Courts, than any they have had in the actions they have hitherto instituted against the majority that went into the Union. If the state of the law on the subject is not sufficiently explicit to warrant the interposition of the Courts, there can be no doubt that the Parliaments of the country would grant the necessary legislation to prohibit the anti-Unionists from calling themselves by such a name as only breeds confusion in the domain of property.

### III.

There are also cogent historical reasons why the corporal's guard that declined to enter the Union should not be allowed to claim the name of "the Presbyterian Church of Canada in connexion with the Church of Scotland." That Church had a good record in the past. It was served by able men at the very start, and attained to a position of influence in the country. But what a falling off would be there, if it was conceded to this remnant that pretends to it, that they are its legitimate continuation in Canada. That honourable and useful historical Church, which so many of us look back to with affectionate regard, would be degraded by having its existence prolonged by them. The historian of the future, if he knew nothing of the Union, would wonder what fatality had befallen the Presbyterian Church of Canada in connexion with the Church of Scotland, when he found, judging only by the designation, that the Synod of 1876 wanted all those names that used to reflect lustre and dignity upon it. I protest against the confusion that will be imported into the history of the Presbyterian Church of Canada in connexion with the Church of Scotland, if this folly of theirs is persisted in. The Civil changes that took place in Canada in connection with Confederation, were exactly parallel to those that affected the Presbyterian Churches of Canada. There was opposition to confederation among some both of the people and of the politicians of the several provinces that were united to form the Dominion; but by far the majority were in favour of the measure that fused the scattered provinces into one compact power, that has already made itself felt in the world. What would have been said if some of the discontented politicians of Upper and Lower Cana-



da, as these Provinces were then called, should have refused to recognize the Confederation as an accomplished fact, and should have gone on to hold a Parliament of Canada of their own in Ottawa, limited to the Provinces aforesaid, which they continued to designate by the old titles. One or other of two views would be taken of such conduct ; those guilty of it would be counted either fools, or rebels against the British Government which passed the Act that created the Dominion out of the several Provinces. The names of two of them were changed to prevent the confusion in history which would follow if Lower Canada had not been altered to *Quebec*, and Upper Canada to *Ontario*, since all the provinces together were to be henceforth known as CANADA. But these provinces remain the same, though their names are changed ; and since Confederation, the Dominion continues the history of all the Provinces that were merged into it. In like manner, "the Presbyterian Church in Canada" is the true continuator of the histories of the several Churches that united to form it ; and any claim on the part of the few that are opposed to the Union to be the Presbyterian Church of Canada in connexion with the Church of Scotland, is as preposterous as the case I have supposed of the few discontented ones opposed to Confederation, still calling themselves Canada, would be.

#### IV.

If Lang, Burnet & Co. are not "the Presbyterian Church of Canada in connexion with the Church of Scotland," what are they ? What is their real ecclesiastical position now, since they voted themselves out of the United Churches ? There is no difficulty in answering that question : their status is that of atoms. They were disintegrated by their own action. Every congregation that voted itself out of the Union, reverted to the position which it occupied before there was any Synod in Canada. Neither congregations nor ministers had any relation to each other the moment they went out of the United Church. They were so many distinct congregations, having all their congregational machinery ; but they left behind them in the Church from which they seceded the links that bound them together as Presbyteries and as a Synod. To-day the Anti-unionists are Congregationalists, neither more nor less, whether their position be viewed from the standpoint of Church polity or from that of the Acts of Parliament connected with the Union.

I mean no disparagement to Congregationalism when I thus speak. But they appear not to like to be considered as occupying that platform, although they either have been ignorant of the true way of escape from it, or have disregarded the course which common sense would have marked out to them, in order to continue the preposterous pretensions I have been endeavoring to expose. As a consequence, they have never organized since they went out of the United Church, because they foolishly allege that by voting themselves out of Union, they revert to the status of "the Presbyterian Church of Canada in connexion with the Church of Scotland" that was before the Union. All acts, therefore, which they have pretended to perform as a *Synod* and as *Presbyteries*, are null and void. They are still in the exact position in which the Presbyterian Congregations in Canada were originally: Presbyteries were formed by delegates from congregations, with their ministers, resolving to unite. The initiative began with the congregations. And how the Synod was formed we learn from the meeting of delegates from congregations, that was held at Kingston on the 7th day of June, 1831. At it were certain ministers and commissioners from congregations. "It was moved, seconded, and carried unanimously, that this convention of ministers and elders in connexion with the Church of Scotland, representing their respective congregations, do now form themselves into a Synod, to be called "the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland." I have yet to learn that our Anti-unionist friends have been authorized by the congregations that voted themselves out of the Union to constitute a Synod in their name. It may be that they would prefer retaining their status as individual congegations. But I have gratuitously given to the Anti-unionists a hint which they are welcome to profit by, if they really wish to consolidate themselves. As things are, all settlements of ministers over congregations, and other acts carrying with them civil consequences, that they have affected to perform, are null and void; as would soon be found out, if any person or persons connected with them, were disposed to test that question before the civil courts.

Meeting as I have suggested by delegation, they might then give themselves any name they pleased—even that of "the Presbyterian Church of Canada in connexion with the Church of Scot-

land," provided the Presbyterian Church in Canada did not move the Civil Courts to restrain them from adopting that title. It would be necessary for them, of course, sooner or later, to apply to Parliament for legislation to enable them to hold property under their new designation, and that would be the time for "the Presbyterian Church in Canada" to have its say on the question of allowing the venerable name I have been discussing to be used in a new sense.\*

#### CONCLUSION.

I have endeavoured to exhibit the facts and principles necessary to the exposing of the pretensions of Messrs. Lang, Burnet & Co., as fully and explicitly as possible, at the risk of being thought tedious. I should also apologize, perhaps, for troubling those who may feel interest enough in the subject to condescend to read the foregoing pages, with a statement of facts, with which most of them are as familiar as myself. I know the importance, however, of bringing these facts together in a compendious form; for although only two-and-a-half years have elapsed since the date of the consummation of the Union, I was surprised when I began this pamphlet, how many of the details relating to it had escaped my memory; and I do not suppose that many others are in a better case. Besides, those members of the Presbyterian Church in Canada, who belonged to the other Churches with which "the Presbyterian Church in Canada in connexion with the Church of Scotland" was united in 1875, cannot, in general, have much knowledge of the facts at issue between the anti-Unionists and the majority of the Church from which they seceded, and yet they may desire information on the subject. I have spoken in the introduction, of the necessity of circumspection on the part of the press, the members of which are generally disposed to be amiable, and to give utterance to all men that seek it at their hands, without any very narrow questioning of what is said. If they will do me the honour of reading what I have written, I think I may fairly claim that they shall not in future give to Messrs. Lang, Burnet & Co., the title they have been arrogating to themselves, without some qualification. The name that

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\* Since the above was written, notice has been given in the *Official Gazette*, at Ottawa, of the intention of the anti-Unionists to apply for an Act of Incorporation as "the Presbyterian Church of Canada in connexion with the Church of Scotland." The Presbyterian Church in Canada is likely to show itself equal to the occasion in resisting the application.

most truly describes them, is "the Seceders;" they are not at present Presbyterians at all. But by far the most important point which I may hope to gain, will be to let the parent Church of Scotland know what the exact posture of affairs is among those that she cares for in Canada, or rather in the provinces of Ontario and Quebec. The position of those in the Maritime Provinces is vastly different in every respect. The Union Act of the Church of Scotland in Nova Scotia was based on a different principle, because the Barrier Act of that Church was different from that of the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland. The brethren down there that declined to enter the United Church, were for the most part favourable to Union, provided it could have been carried out with safety; but there were difficulties in the way, and these not mainly ecclesiastical, that made it prudent for them to take the course they did. Their conduct since has been also of a kind to raise them in the esteem of the brethren from whom they are now separated, but, it is hoped, only for a short time. Whatever, therefore, the Church of Scotland may do for the brethren in Nova Scotia, that have not yet seen their way to enter the United Church; it ought to be pretty clear that the people in the Mother country should give no funds to "the Seceders" as an organized church. Any help bestowed, should be upon individual ministers and congregations; otherwise, the parent Church will be aiding and abetting rebellion against both Church and State, "which," we are told on the best authority, "is as the sin of witchcraft."

